IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 1000 OF 2007

IN

APPEAL NO. 172 of 2007

IN

NOTICE OF MOTION NO.608 OF 2007

IN

SUIT NO. 389 OF 2007

Smt.Nidhi Periwal w/o Shri Satish
Periwal & Anr. .. Applicants

versus

Shiv Shankar Biyani, HUF & Ors. .. Respondents

...

Mr.B.D. Jaiswal for the applicant.

Mr.J.S. Saluja for the respondents

CORAM : R.M.S. KHANDEPARKAR
AND D.G.KARNIK, JJ

DATED : 18th April 2007.

P.C.:

1. Heard.

2. Undoubtedly, the property in question belong to HUF and was mortgaged towards the security for repayment of loan. At this stage, the applicant is unable to show any independent right as such to the suit property in question and there is no challenge to the mortgage. Hence, there is no question of grant of any interim relief. Notice of Motion therefore is rejected.

(R.M.S. KHANDEPARKAR, J)

(D.G. KARNIK, J)